

INITIAL STATEMENT OF REASONS
Title 13, Division 1, Chapter 1
Article 2.1- Commercial Driver Licenses

The Department of Motor Vehicles (department) proposes to adopt section 29.00 in Title 13, California Code of Regulations, relating to driver record checks. In its role in ensuring that applicants are appropriately licensed in the state of California, the department, under Vehicle Code section 15250 and Title 49 of the Code of Federal Regulations, determined it necessary to promulgate regulations that specify information databases used to conduct the record check required in federal regulations and California statutes.

The Commercial Driver's License Information System, or CDLIS, is a system mandated by the federal Commercial Motor Vehicle Safety Act (CMVSA) of 1986. Among other things, the CMVSA requires states to connect to the CDLIS and the National Driver Register, or NDR, as a means to exchange information relating to a commercial vehicle licensee and the status and history of his or her driving record. CDLIS is a nationwide network database that stores information about commercial drivers. By using this network, authorized users can report and access commercial driver information, license information, and driver history information necessary to regulate commercial drivers in the United States.

The National Driver Register (NDR) is a database that stores information about drivers who have had their driver licenses suspended or revoked. The database also contains information on drivers convicted of serious driving offenses such as driving under the influence of drugs and/or alcohol or reckless driving. When information is received as a result of a NDR search, the Problem Driver Pointer System (PDPS), a component of the NDR, will indicate the state where the individual's driving status and history information is stored. The state where the applicant is requesting licensure can then receive records by requesting them from the state holding the records.

While the department utilizes NDR and PDPS to retrieve information regarding driver license suspensions, revocations and offensive driving convictions, the department conducts a search of the CDLIS when it receives an application for a commercial driver license, in addition to the NDR search.

§29.00. Driver Record Checks for Commercial Driver License Applicants

Subsection (a) is added to require the department to conduct a record check of CDLIS and the National Driver Registry records when a driver applies for a commercial driver license. Vehicle Code section 12808 requires the department to check the record of the applicant for convictions of traffic violations and traffic accidents before issuing or renewing a driver license. Vehicle Code section 15250 prohibits a person from operating a motor vehicle unless he or she possesses a valid commercial driver license. Section 383.73 of Title 49, Code of Federal Regulations requires the State to initiate and complete a check of the applicant's driving record to ensure the person is not subject to

Driver Record Checks for Commercial Driver License Applicants

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any disqualification, license suspension, revocation or cancellation under state laws and that the applicant does not have a driver's license from more than one state or jurisdiction. The record check must include the following:

- A check of the applicant's driving record as maintained by the state of licensure,
- A check with CDLIS for prior issuance and driver license status, and
- A check with the NDR to determine disqualifications, suspensions or actions taken by other states.

Subsection (a)(1) is added to indicate the NDR records will be accessed to search the PDPS records. PDPS will direct the inquiring jurisdiction to the State of Record(s), where an individual's driver status and history information is stored. Based on the information received as result of the search, the department can then ascertain whether or not a commercial driver license applicant is eligible to be issued a commercial driver license.

Subsection (b) is added to require the department to utilize CDLIS and PDPS systems to check for the status and history of an applicant's driving record. Vehicle Code section 12808 requires the department to check the record of the applicant for convictions of traffic violations and traffic accidents before issuing or renewing a driver license. Section 383.73 of Title 49, Code of Federal Regulations, requires the state to verify eligibility status using CDLIS and the NDR prior to issuing an original, transferring or renewing a commercial driver license.

Subsection (c) is added to require the department to release information concerning a driver's record upon request from another state. Section 384.206 of Title 49, Code of Federal Regulations, requires a state to provide information relating to an applicant's driving record information within 30 days of the request.